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7 MALIK LANGHAM,  
8 Plaintiff,  
9 v.  
10 ANTONIO GRANZELLA, et al.,  
11 Defendants.

Case No. 23-cv-02275-HSG

**ORDER GRANTING MOTION TO  
DISMISS**

Re: Dkt. No. 32

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13 Pending before the Court is Defendants' motion to dismiss. Dkt. No. 32. The Court finds  
14 this matter appropriate for disposition without oral argument and the matter is deemed submitted.  
15 See Civil L.R. 7-1(b). For the reasons discussed below, the Court **GRANTS** the motion.

16 Plaintiff Malik Langham initially filed this action in May 2023 against several California  
17 Highway Patrol Officers—Defendants Antonio Granzella, Joseph Dagnino, Sean Butler, and  
18 Kenton Dewald. Dkt. No. 1. Plaintiff amended his complaint, alleging that he was stopped by  
19 California Highway Patrol Officers while driving on the freeway. *See* Dkt. No. 20 (“FAC”).  
20 Plaintiff alleged that during the traffic stop he presented the officers with a valid Florida driver’s  
21 license, but he was nevertheless ticketed and handcuffed, and his car was towed. FAC at ¶¶ 16–  
22 28. According to Plaintiff, the officers told him that he could not use a Florida license in  
23 California, and they were writing him a ticket and towing the vehicle because Plaintiff was  
24 “unlicensed.” *Id.* at ¶¶ 22, 26–27. The officers searched the car and later dropped him off at a gas  
25 station. *Id.* at ¶¶ 32–42. Based on these allegations, Plaintiff brought causes of action for  
26 violations of his Fourth Amendment rights under 42 U.S.C. § 1983 and California Civil Code §  
27 52.1, as well as for assault, battery, invasion of privacy, and negligence. *See id.* at ¶¶ 61–104.

28 Defendants moved to dismiss the FAC, and in April 2024, the Court granted the motion to

1 dismiss with leave to amend. Dkt. No. 30. In the order, the Court took judicial notice of  
2 documents related to Plaintiff's traffic citation and convictions. *See id.* at 1–2. Following the  
3 traffic stop, Plaintiff had been convicted in traffic court both for being an unlicensed driver and for  
4 driving over the speed limit. *See* Dkt. No. 25 at 10–11. The Court found that Plaintiff's claim  
5 under § 1983 was therefore barred by the Supreme Court's ruling in *Heck v. Humphrey*, 512 U.S.  
6 477 (1994). *See* Dkt. No. 30 at 4. The Court also dismissed Plaintiff's state law claims for failing  
7 to allege compliance with the Government Claims Act. *See id.* at 5.

8 In response to the Court's order, Plaintiff amended his complaint, dropping the § 1983  
9 claim. The operative complaint now only alleges a single violation of California Civil Code  
10 § 52.1. *See* Dkt. No. 31 ("SAC") at ¶¶ 51–68. Defendants filed another motion to dismiss, and  
11 urge that the Court now lacks subject matter jurisdiction. *See* Dkt. No. 32 at 4. Plaintiff did not  
12 file a response to the motion to dismiss. The Court consequently issued an order to show cause  
13 why the motion to dismiss should not be granted, Dkt. No. 33, in response to which Plaintiff  
14 explained that he is litigating "as best he can" and "in good faith," Dkt. No. 34. Plaintiff further  
15 stated that based on Defendants' motion, he thought the case could not proceed. *Id.* The Court  
16 acknowledges the difficulty in litigating pro se, and turns to the substance of Defendants' motion  
17 to dismiss.

18 Under Federal Rule of Civil Procedure § 1337(c)(3), a court may decline to exercise  
19 supplemental jurisdiction if it has dismissed all claims over which it has original jurisdiction. *See*  
20 *Sandford v. MemberWorks, Inc.*, 625 F.3d 550, 561 (9th Cir. 2010). "[I]n the usual case in which  
21 all federal-law claims are eliminated before trial, the balance of factors to be considered under the  
22 pendent jurisdiction doctrine—judicial economy, convenience, fairness, and comity—will point  
23 toward declining to exercise jurisdiction over the remaining state-law claims." *Id.* (quotation  
24 omitted) (original brackets). Here, the SAC no longer contains a federal claim. *See* SAC. Given  
25 the early stage in the proceedings, the Court finds this to be the "usual case" in which judicial  
26 economy, convenience, fairness, and comity all weigh in favor of declining to exercise  
27 supplemental jurisdiction over the only remaining state law claim.

28 Accordingly, the Court **GRANTS** the motion to dismiss. Plaintiff's claim under California

1 Civil Code § 52.1 is therefore **DISMISSED WITHOUT PREJUDICE** to refiling in state court if  
2 Plaintiff may do so consistent with state court requirements and the Government Claims Act. *See*  
3 28 U.S.C. § 1367(c). The Clerk is directed to close the case.

4 **IT IS SO ORDERED.**

5 Dated: 7/15/2024

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7 HAYWOOD S. GILLIAM, JR.  
United States District Judge

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United States District Court  
Northern District of California